

Zoltán Rónay

## The Rise and Fall of Autonomy. The Last Thirty Years of Hungarian Higher Education

### Abstract

Although efforts were made to establish several higher education institutes in the Medieval era, Hungarian higher education began in 1635 when the first university, which is still in operation today, was founded. For the first one hundred and fifty years the university was under the influence of the church, then under Absolutism, it came under the rule of the Crown. The period between the last decades of the 19<sup>th</sup> century and World War I is considered the golden era of autonomy in Hungarian higher education, although the influence of the government was significant. After World War I the universities' autonomy decreased, and by the end of World War II, it had completely disappeared. The change came just before 1990 when the collapse of Soviet rule led to the fall of the Berlin Wall. In the early 1990s, the first independent and general Higher Education Act established the 'Humboldt model' in Hungary. However, this was only in place for three years. Over the past twenty years, we have seen the autonomy of Hungarian higher education and its institutions slowly decrease. This study discusses the past thirty years and aims to understand the reasons for the failure of the autonomy experiment.

Keywords: state control, HEI management, financial and educational efficiency of HEIs, history of Hungarian higher education's autonomy

### Introduction

According to historical sources, during the early Medieval period, there were some experiments which aimed to establish universities or other types of higher education institution. Unfortunately, none of them was successful. The 16<sup>th</sup> century saw the emergence of Protestant colleges, but these were rather secondary schools and not higher education institutions, although later some of them went on to operate at the higher education level.

The first permanent university (University of Nagyszombat, later Royal Hungarian University, today Eötvös Lorand University) was founded by the cardinal Péter Pázmány in 1635. It operated under the auspices of the church until 1769 when the Queen brought it under her rule. It was a state university, which meant that the Royal Court wielded a great deal of influence. Less than ten years later, the first Hungarian Education Act was also adopted. The Ratio Educationis regulated the entire education system, from elementary school to university. The rules covered the organization, operation, and leadership of each type of education institutions and regulated the right and the obligatory of the teachers and the students as well. The Ratio Educationis was a masterpiece not only at the time but also established legal institutions that still exist today (Pukánszky, 1996; Kelemen, 2002), for instance, the division of management tasks between the rector and the senate, and the structure of the faculties. However, the Ratio Educationis declared the dual system of personal

leading, secured the direct influence for the Court with the help of the president. This system was existing until the fall of the Revolution of 1848-49 when the university management got under direct government leading. After the Austro-Hungarian Compromise of 1867, the sole management system was stabilized. Until of the breakout of the World War I the Ratio Educationis was in force, but its scope applied to only the Royal Hungarian University. The latter founded universities got own Act, but these legal norms offered the only framework. The detailed regulations of each university, including the rules of organization and operation as well as the rules of studying and exams, were regulated in ministerial decrees. It is obvious that at this time we could not talk about real autonomy.

There were two meaningful differences from the current situation. On the one hand, the Ministry involved the institutes to the regulations. For instance, the rules of organization and operation of the József Nádor University of Technology was prepared by the university for two years, the senate proposed the text of the rules and regulations, and the Ministry accepted this as much as possible (Batalka, 2007). On the other hand, the universities, and the rectors, as well as the senate, enjoyed such great respect still right before the breakout of the World War II that the government could not give through its many ideas because of the resistance of the universities (Ladányi, 2002).

The situation changed radically during and after World War II. The communist era introduced a uniform structure by partly following the examples of the Soviet Union. The new structure made possible such way of operation which secured the realisation of the Party's willing without barriers. Although the rules became less stringent at the end of the 1960s and beginning of the 1970s, there was no autonomy at all (Ádám, 1970).

Real change only came in the middle of the 1980s, but the autonomy would be declared only the democratic turn (Keczer, 2010). This paper presents the various stages of how autonomy was transformed: from the beginning, when there was full autonomy, until today, when it is present to a lesser extent.

## **Around the fall of the Wall**

In the middle of the 1980s, it became clear that the rules were losing their grip on power. Gorbachev, the new Soviet leader, announced his new theories, which had an impact on the countries belonging to the Soviet sphere of influence. The Education Act of 1985 was not a democratic law, and it did not secure autonomy, however, at the time, it was a modern legal act. Moreover, this Act established a managerial and organizational structure which was implemented in the later democratic Acts in 1993 and 2005, and which was in the original version of the newest Act between 2011 and 2014. The legacy of this Act was therefore in place for almost thirty years (Polónyi, 2011).

However, in 1989 the republic was proclaimed, and the parliament adopted a number of amendments to the Constitution. The modified Constitution defined fundamental rights, including academic freedom, freedom of science and the autonomy of HEIs. After the first democratic elections, the new parliament modified this Act to make it more democratic. It then became the first Act to establish the autonomy of HEIs.

### **The golden era of autonomy**

The Act on Higher Education in 1993 is important from several perspectives. This was the first law to regulate higher education independently. By separating public and higher education at the legislative level, lawmakers expressed their respect for higher education and the related fundamental rights. An additional noteworthy aspect is a return to the Humboldt model, which confirmed the essential role of academia in the management of HEIs (Polónyi, 2011). As academia and the legislators were enthusiastic because of the democratisation, they did not care about the newest trends in higher education. These aimed the implementation of professionalism besides the scientific rector (Bonaccorsi & Daraio, 2007). There was an increased demand for professional managers in HEIs, while the financial situation of the institutions was becoming more serious. Criticism came from the government and some authors as well. Much of this criticism was well-founded. However, the government, in particular, did not pay attention to the fact that Hungarian universities were blighted by several problems after the change of regime. The salary of the lecturers and researchers was extremely low, and the institutions were operating in extremely poor conditions (old equipment, plenty of buildings awaiting renovation, etc.).

The lack of necessary managerial skills led to catastrophic financial situations. Although various forms of European and overseas funding became available, they were not enough. There was not enough money to maintain the equipment, and the academic leaders were not effective managers. In 1996 the government turned to parliament, and the Act was comprehensively modified. Of the new rules, the most important was the legal norm which established the rector's responsibilities. This gave the government more control and led to a restriction in autonomy, but not to a significant extent. This clearer definition of managerial responsibility, however, was not accompanied by improved financial conditions and therefore higher education was not accorded significantly more money.

As usual, neither party was satisfied. The government did not acknowledge the outcome. Thus the institutions and their rectors were faced with not only a hopeless situation in many cases but also a greater degree of responsibility. According to an opinion in the literature, the government recognised the problems, but the responses were wrong (Prugberger, 1997).

Despite a lack of spectacular results, the regulations remained unchanged, although smaller modifications were made over a period of almost ten years.

### **Decreased autonomy, less responsibility**

Under these circumstances, the entire higher education sector was waiting for a new law to solve the problems. Unfortunately, the 2005 Act led to disappointment. The government made errors in relation to the two most important elements of this act. Firstly, it introduced the Bologna process. This gave rise to passionate discussions and strong resistance. This issue is not the subject of this paper. However, it is worthy of note as this failure has had a significant impact on the judgement of the Bologna process among academics.

Secondly, the government tried to reform university management by introducing the governance body. Consisting of both internal and external members and granted

clear powers, this body was able to influence universities' work, as it was involved in the decision-making process. According to the majority of university leaders and the opposition in parliament (the current governing party), the powers of this governance body violated the institutions' autonomy. As the President of the Republic agreed, he referred the matter to the Constitutional Court, which then abolished this legal institute. The government tried to secure control and went on to establish the Financial Council to replace the governance body. The Financial Council does have the right to prior consent, although there is more emphasis on its role as an advisor.

Another change resulting from the new Act was a rethinking of the rules on responsibility. To avoid conflicts, the government ignored the previous rules on responsibility. Despite rulings of the Constitutional Court, the mere existence of the Financial Council resulted in the delimitation of autonomy, more than earlier it was imaginable (Keczer, 2007).

These rules put in place a new way of developing the organization of (state) HEIs. There was a clear trend, namely not to encourage HEIs to establish management models which would unite academic interests or increase professionalism and responsible management, but rather to create tools to increase the state's influence while minimising the responsibility of the leaders.

### **Neither autonomy, nor responsibility**

When it was passed (2011), the current Act followed a well-trodden path. Although the government had indicated on several occasions that the financial management of state HEIs was ineffective, many of them still had operational difficulties. Nevertheless, the government placed more and more emphasis on the need for change. As expected, the parliament amended the Act immediately after the election in 2014 and established a new legal institute. The emergence of the chancellor's role radically reorganised the management structure. As a result, rectors were no longer the only ones responsible for each university; their powers were limited to the academic affairs and the chancellor became responsible for non-academic matters, such as finance, administration, and IT. This solution took the influence of the government to a level which had not existed since before the change in regime. Chancellors are chosen by the government; their employer is the minister, who can issue them with direct orders. With the chancellor's help, the government can directly influence the daily operations of state HEIs. One year later, the delimitation was further increased, when the government established the legal institute of the consistory. The consistory has prior consent like the Financial Council. However, there are several important differences. Firstly, with the exception of the rector, all its members are appointed by the government. As the minister also exercises employer rights over the rector, all of the consistory's members belong to the government, and they can be given orders. Secondly, prior consent of the consistory is not only connected to clear financial matters, such as budgets or financial reports, but also relates to academic affairs, such as medium-term institutional development plans (which include strategies for research, development, and innovation). With this authority, the consistory and therefore also the government can directly influence the educational and academic operations of HEIs. This means that the delimitation of autonomy has expanded from finance and

now also covers traditional academic activities (Crăciun & Mihut, 2017; Rónay, 2018).

Moreover, last year (2018), the government further tightened the limits on autonomy. Ignoring the clear ban outlined in the Fundamental Law, and using a dysfunctional rule in the Act on Higher Education, the government abolished Gender Studies programme by decree. Although no clear arguments were put forward, several pro-government personalities and newspapers attacked these programmes on two occasions (e.g. YCDA's proclamation; Ecker, 2018; Kroó, 2018). Firstly, they asserted that Gender Studies programme was incompatible with the expectations of a Christian State as well as the theory of supporting and unity of families; secondly, they stated that the effectiveness of this programme was not evidenced by labour market data (see State Secretary Rétvári). Some of them went as far as to declare that Gender Studies was not science (Ecker, 2018). All of these arguments need to be discussed by experts and representatives of the discipline. It is, of course, normal for the government to have an opinion on the topic. However, when a government decides to abolish a programme based on these arguments, it means that the government commits in scientific questions, which activity is strictly banned for the government in the Fundamental Law.

In the case of the Central European University (CEU), the government majority in parliament passed a bill, which created new conditions for universities with their headquarters abroad. The most important condition was an agreement between Hungary and the country to which the university belongs. The CEU, its hosting institute Bard College and New York State prepared this agreement and had detailed discussions with the government about it. The government did not declare to deny to sign the agreement. The government simply did not sign it without any argument. With this process, the government infringed the rules of Act on Higher Education and the requirements of the theory of good faith and honest (Bárd, 2018).

## Conclusion

After this overview of the history of the autonomy of Hungarian HEIs, we can conclude that this kind of autonomy was never complete in Hungary. In itself, this fact is not surprising, as full autonomy does not exist anywhere in the world. The state is obliged to regulate and control the operation of HEIs, and this function inevitably restricts autonomy. The extent of autonomy also depends on historical and social conditions. Therefore, autonomy is continuously being shaped (De Groof, Švec & Neave, 1998).

Nevertheless, HEIs in more developed countries are able to increase the extent of their autonomy, develop autonomous operations, and take part in the government processes which target HEIs. In Hungary, we cannot see any trends developing. As this study has shown, the situation has moved in the same direction many times before, but at some point, the trend was reversed. Today, legislation is increasingly restricting autonomy, and, as the examples of the Gender Studies programmes and CEU show us, the same also applies to government action, i.e. the government is prepared to violate the law if it is in its interest and is able to turn a blind eye to academic freedom and autonomy.

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Dr. jur. Ph.D. Zoltán Rónay, Eötvös Loránd University, Budapest, Hungary